

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 20-cv-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL  
MANAGEMENT SERVICES, INC.,

Defendants.

**MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL INFORMATION  
RELATED TO DEFENDANTS'  
OPPOSITION TO EMERGENCY  
MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL INFORMATION  
IN LIGHT OF NEWLY  
DISCOVERED EVIDENCE**

Plaintiff Farhad Azima (“Azima”) respectfully requests leave of the Court to file supplemental information related to the Court’s review of the Order and Recommendation of United States Magistrate Judge Joe L. Webster in this matter (ECF No. 54) and his prior Emergency Motion For Leave to File Supplemental Information In Light of Newly Discovered Evidence (ECF No. 61) (“Motion to Supplement”). Azima also respectfully renews his request to start discovery in this matter and that the motion to dismiss be denied. (ECF No. 61 at 8-9).

In the Motion to Supplement, Azima attached newly discovered text messages between Defendants and Aditya Jain that show Defendants engaged in witness intimidation and the manufacturing of evidence to obscure his involvement in the hack of Azima. (ECF No. 61-1). On October 21, 2021, Nicholas Del Rosso and Vital Management Services, Inc. (“Defendants”) opposed. (ECF No. 62 at 1-2). Defendants did not deny the allegations but asked the Court to disregard the text messages because Azima did not authenticate them.

Since then, however, in court filings in the U.K., Defendants’ principal, Ras Al Khaimah Investment Authority (“RAKIA”), confirmed that Del Rosso and Jain communicated during the period at issue here. Azima had filed a re-amended counterclaim in the U.K proceeding against RAKIA and several individual defendants on September 30, 2021. Exhibit 1. In the re-amended counterclaim, Azima alleged the following about efforts by RAKIA and its agents to suppress witness testimony:

“Mr Jain has been the subject to an ongoing campaign to persuade him not to provide evidence in these proceedings, since August 2020, including:

- a. repeated messages from Mr Del Rosso seeking information about what he was doing and saying it was in his best interests not to assist Mr Azima;
- b. demands from Mr [Vijay] Pandey and others that [Jain] back off;
- c. repeated attempts to hack his own communications;
- d. approaches by a person impersonating a police officer investigating an alleged criminal complaint for data theft and seeking to solicit a bribe to make it go away.”

Exhibit 1 ¶ 81C. The allegations describe the text messages Azima also put before this Court in the Motion to Supplement and are the same text messages Defendants argued were not authenticated. On November 19, 2021, RAKIA filed its defense to the re-amended counterclaim and admitted “that Mr del Rosso and Mr Jain communicated via messages in 2020.” Exhibit 2 at ¶ 81C.

Thus, in direct response to an allegation in Azima's re-amended counterclaim describing the same text messages Azima provided to this court, Defendants' employers admitted that Defendant Del Rosso was in communication with Jain during the period represented in the materials previously submitted to the Court. This development adds renewed urgency to Azima's prior motion to supplement the record with those text messages and begin discovery as soon as possible to thwart any ongoing efforts by Defendants create more false documents, destroy evidence, and spoil discovery. Azima respectfully requests that this Court consider the text messages as it weighs the motion to dismiss, which Azima requests that the Court deny in full.

This, the 30th day of November, 2021.

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### **CERTIFICATE OF WORD COUNT**

I certify under LR 7.3(d)(1) that the body of this brief, headings, and footnotes together contain 3,125 words or fewer, as reported by the word count feature in Microsoft Word 2016.

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 30th day of November, 2021.

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